

Hearing Date: May 17, 2023
Objections Date: March 13, 2023
Reply Date: April 27, 2023

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Proc. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ABN AMRO RETAINED NOMINEES (IOM)
LIMITED, f/k/a ABN AMRO Fund Services
(Isle of Man) Nominees, and f/k/a Fortis (Isle of Man)
Nominees Limited, and PLATINUM ALL WEATHER
FUND LIMITED,

Defendants.

Adv. Proc. No. 12-01697 (CGM)

NOTICE OF MOTION TO DISMISS THE COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Lucas B. Barrett dated January 12, 2023 and the exhibits thereto, Platinum All Weather Fund Limited's Memorandum of Law in Support of Motion to Dismiss the Complaint dated January 12, 2023, and

upon all prior pleadings and proceedings herein, defendant Platinum All Weather Fund Limited (“PAWFL”), will move this Court, pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, made applicable here by Rule 7012 of the Federal Rules of Bankruptcy Procedure, on Wednesday, May 17, 2023 at 10:00 a.m. (prevailing Eastern time) before the Honorable Cecelia G. Morris for an order dismissing in its entirety the Amended Complaint filed in this action by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (ECF No. 141).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order entered on September 2, 2022 (ECF No. 140), all papers responsive to PAWFL’s Motion to Dismiss the Complaint shall be served and filed no later than March 13, 2023, and all reply papers in further support of PAWFL’s Motion to Dismiss the Complaint shall be served and filed no later than April 27, 2023.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure, PAWFL does not consent to the entry of final orders or judgment by this Court.

Dated: New York, New York
January 12, 2023

/s/Scott B. Schreiber

Scott B. Schreiber
Rosa J. Evergreen (*admitted pro hac vice*)
ARNOLD & PORTER KAYE SCHOLER LLP
601 Massachusetts Avenue, NW
Washington, D.C. 20001
Telephone: (202) 942-5000
Facsimile: (202) 942-5999

- and -

Kent A. Yalowitz
Daniel R. Bernstein
Lucas B. Barrett
ARNOLD & PORTER KAYE SCHOLER LLP
250 West 55th Street
New York, NY 10019
Telephone: (212) 836-8000
Facsimile: (212) 836-8689

*Attorneys for Defendant Platinum All Weather
Fund Limited*